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August 10, 2023

**By ECF & Email ([Failla\\_NYSDChambers@nysd.uscourts.gov](mailto:Failla_NYSDChambers@nysd.uscourts.gov))**

Hon. Katherine Polk Failla  
United States District Judge  
United States District Court  
40 Foley Square, Courtroom 618  
New York, NY 10007

**MEMO ENDORSED**

Re: Bonchon International, Inc. v. Sapporo, Inc. et al.  
SDNY Docket No. 23-CV-3424-KPF

Hon. Judge Failla:

This firm represents plaintiffs Bonchon International, Inc., Bonchon U.S.A., Inc. and Bonchon Franchise LLC in the above-referenced action. Counsel for the parties appeared before Your Honor on August 2, 2023 to argue plaintiffs' motion to enter a default and defendants' cross-motion to vacate the default. The Court denied plaintiffs' motion and directed defendants to file an answer within 21 days.

During argument, the parties and the Court discussed a potential motion for preliminary injunction to enjoin defendants' continued unauthorized use of plaintiff's trademarks, trade dress and proprietary information. I am pleased to report that the parties, through their counsel, have executed a stipulation and proposed order of permanent injunction, pursuant to which defendants have agreed to immediately cease operating their restaurants using plaintiffs' trademarks and to de-identify those restaurants within a time certain. The stipulation and proposed order was filed today on ECF and a copy is also attached to this letter. The parties respectfully ask the Court to so-order and enter the stipulation and order on the Docket.

This stipulated order resolves the claims for equitable relief in the Complaint. The claims for money damages remain pending.

Thank you for your consideration and assistance. If you have any questions, please do not hesitate to contact me.

*Kaufmann Gildin & Robbins LLP*

Hon. Katherine Polk Failla

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Very truly yours,

KAUFMANN GILDIN & ROBBINS LLP

*s/Kevin M. Shelley*

By: KEVIN M. SHELLEY

KMS:tm

Encs.

cc: Evan Goldman, Esq. (ECF & Email)

Application GRANTED. Plaintiffs' counsel has represented to the Court that the above joint letter intended to seek a preliminary injunction pursuant to Rule 65, rather than a permanent injunction. The Court will amend and endorse the parties' stipulation and proposed order (Dkt. #38) accordingly.

Defendants are reminded of their deadline to file an answer on or before **August 23, 2023**. The parties are thereafter instructed to file a Proposed Civil Case Management Plan and Scheduling Order with the Court on or before **August 30, 2023**.

The Clerk of Court is directed to terminate the pending motion at docket number 36.

Dated: August 10, 2023  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE